

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3564 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

SUREKHABEN GIDHARBHAI PATEL

Versus

V M DESMUKH

Appearance:

MR RC JANI for Petitioner
MR RA MISHRA for Respondent No. 1
MR NV ANJARIA for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 13/10/2000

ORAL JUDGEMENT :

The present petition is filed by a student who passed SSC examination with 75 % marks. It is the case of the petitioner that thereafter she underwent Teachers

Training Course and succeeded in the examination securing 70 % marks. Thereafter the petitioner applied to respondent no.1 authority for the post of Primary Teacher by her application dated 19.4.1991. It is the case of the petitioner that the authorities did call the petitioner for interview by letter dated 25.2.1992 and the petitioner did fare well in the said interview. It is the case of the petitioner that though the petitioner fulfilled all the requirements making her eligible to be appointed on the post of Primary Teacher, respondent no.1 did not consider the case of the petitioner and had appointed persons of lower merit than the petitioner.

2. In response to the order passed by this Court, Shri R.A. Mishra, learned advocate appearing for respondent no.1 has filed affidavit in reply wherein it is categorically stated in para 3 that the Selection Committee after considering the qualification of the petitioner gave her 66.99 % marks for the purpose of merit. It is further stated in the said para that in General Category the merit list was closed at 69.34 % marks. However, after some discussion, a consensus is arrived at that the petition can be disposed of by giving directions to the concerned authority, namely, the District Primary Education Officer, to look into the matter and decide afresh as to whether any injustice is done to the petitioner. In case the District Primary Education Officer comes to the conclusion that the petitioner has a claim for an appointment, the same will be considered by the authorities in accordance with law.

3. Mr.Jani, learned advocate for the petitioner submitted that in fact the petitioner had secured 525 marks out of 700 marks in her SSC examination and 704 marks out of 1000 marks in her PTC examination. It is also stated by Mr.Jani that the petitioner was entitled to get 2 % marks for Hindi Kovil examination and further 2 % marks for Madhyamik Sikshakam Kaksha. In addition to these 4 marks, the petitioner would have been securing 69 % marks.

4. In view of the aforesaid consensus it is directed that the petitioner shall make a representation to the District Primary Education Officer on or before 15.11.2000 and the District Primary Education Officer shall decide the same within four weeks from the date of receipt of such representation. The District Primary Education Officer shall also communicate the decision by Registered Post Acknowledgment Due.

5. The petition is disposed of with the aforesaid

directions. Rule is discharged with no order as to costs.

13th October 2000 (Ravi R. Tripathi, J.)

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